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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,601

Applicant(s)

ESTIPONA, JIM B.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on October 13, 2004 regarding amended claims 1-30 have been fully considered but they are not persuasive.

Applicant argues Feinleib does not indicate that the way the television program is displayed is modified to indicate the end of the program. To the contrary, it appears that the broadcast of the program is terminated and replaced with an email. Therefore, the program is no longer displayed (page 7, paragraphs 1-2).

In response, Feinleib discloses the producer might timely launch an electronic mail program at a specific point near the end of the program to present a new mail message with the "To" address filled in. The viewer can add comments and send the email message to the program's producer for immediate feedback (col. 6, lines 13-21). Since the electronic email is launched near the end of the program, the program is not ended yet. As a result, the program is modified with an email. Therefore, the claimed feature of "modifying the way that the television program is displayed" is met by displaying program with the email or displaying email without the program.

Applicant further argues Feinleib does not teach real time event to indicate the end of the program (page 7, paragraph 5, lines 3-4).

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In response, Feinleib discloses the producer might timely launch an electronic mail program at a specific point near the end of the program to present a new mail message with the "To" address filled in (col. 6, lines 13-21). Therefore, the claimed feature "the real time event to indicate the end of the program" is met by the timely launched electronic mail program at a specific point near the end of the program.

For reasons given above, rejections on claims 1-30 are analyzed as discussed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-8, 10, 13-15, 17-22, 25-27, 29-30 are rejected under 35

U.S.C. 102(e) as being anticipated by Feinleib (US 6,637,032).

Regarding claim 1, Feinleib teaches a method comprising:

transmitting an enhanced television program (col. 4, line 65-col. 5, line 67);

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transmitting a real time event during the television program that indicates the end of the program by modifying the way that the television program is displayed(transmitting enhancing content that timely lunch an electronic e-mail near the end of the program, to gather feedback from the viewing audience regarding the issue discussed on the show – col. 6, lines 10-21. As a result, the program is displayed with the email or the email is displayed without the program).

Regarding claim 4, Feinleib teaches transmitting the real time event through an Internet Protocol multicast (col. 9, lines 42-47, col. 12, lines 1-40).

Regarding claim 5, Feinleib teaches transmitting a real time event including transmitting a trigger (timely launched email at specific point at the end of the program, col. 6, lines 16-21; col. 8, lines 35-40, col. 12, lines 27-39).

Regarding claim 6, Feinleib teaches transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator (col. 8, lines 35-40, col. 12, lines 27-39).

Regarding claim 7, Feinleib discloses the supplemental content such as URL, trigger, or application can be embedded in the closed captioning script of primary data and broadcast over the broadcast network used to carry the primary content (col. 7, lines 42-67, col. 9, lines 40-67). Inherently, transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol.

Regarding claim 8, Feinleib teaches transmitting a real time event (e.g. electronic mail) that warns that the end of a program is approaching (col. 6, lines 10-22).

Regarding claim 10, Feinleib teaches a method comprising:

transmitting an enhanced television program (col. 4, line 65-col. 5, line 67);

transmitting a real time event in conjunction with the television program that indicates the end of the program by modifying the way the television program is displayed (e.g. transmitting enhancing content that timely lunch an electronic e-mail at specific point near the end of the program in conjunction with the program, to gather feedback from the viewing audience regarding the issue discussed on the show – col. 6, lines 10-22.

As a result, the television program is either displayed with the email or replaced by the email). The system supports multiple applications (col. 10, lines 40-55). Inherently, the article comprising medium storage instructions is comprised so that a processor automatically performs the procedures.

Regarding claims 13-14, the limitations of an article as claimed correspond to the limitations of the method as discussed in the rejection of claims 5,8 respectively, and are analyzed as discussed with respect to the rejection of claims 5,8.

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Regarding claim 15, the limitations of the article as claimed correspond to the limitations of the method as claimed in claims 6, 7, and are analyzed as discussed with respect to the rejection of claims 6 and 7.

Regarding claim 17, Feinleib discloses program enhancement producer (50), for creating enhancing content, comprises a processor 52, volatile memory 54 (e.g. RAM), and program memory 56 (figures 2-5 and col. 6, line 42-col. 7, line 67). The enhancing content is to launch an application, such as electronic mail, near the end of the show, to gather feedback from the viewing audience regarding the issued discussed on the show (col. 6, lines 10-22) As a result, the program is displayed with email or the email is displayed without the program. Thus, the system comprising:

a processor-based device is met by processor (52);

a storage coupled to the processor based device storing information instructions that enable the processor based device to transmit a real time event in conjunction with a television program that indicate the end of and enhanced television by modifying the way that the program is displayed is met by memory (54,56).

Regarding claims 18-21, the limitations of the system as claimed correspond to the limitations of the article as claimed in claims 13, 15, 14, 16 respectively, and are analyzed as discussed with respect to the rejection of claims 13, 15, 14, 16.

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Regarding claim 22, Feinleib discloses the client 22 receives the primary program and enhancing content, the received enhanced program is parsed to identify the enhancing content in the enhanced program (figures 6-8 and col. 10, line 17- col. 12, line 40). The enhancing content is to launch an application, such as electronic e-mail, near the end of the show for gather feedback from the viewing audience regarding the issues discussed in the show. The viewer can add command and send the e-mail message to the program producer immediate feedback (col. 6, lines 10-21) As a result, the program is displayed with the email or the email is displayed without the program. Thus, Feinleib teaches a method comprising: receiving an enhanced television program (primary program and enhancing content); and in the course of receiving the enhanced television, identifying a real time event that indicates the end of the program (identifying event that timely launch electronic mail at specific point near the end of the program- col. 6, lines 10-21); indicating the real time event by changing the way that program is displayed (displaying program with the email or displaying the email without the program in response to the timely launched email- col. 6, lines 10-21).

Regarding claim 25, Feinleib teaches listening for a trigger with a Uniform Resource Locator using the tv: protocol (figures 6-8 and col. 7, lines 40-67, col. 8, lines 35-40, col. 9, lines 40-67, col. 11, line 27-12, line 47).

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Regarding claim 26, the limitations as claimed correspond to the limitations as claimed in claim 8, and are analyzed as discussed in the rejection of claim 8.

Regarding claim 27, the limitations of the article correspond to the limitations of the method as discussed in the rejection of claim 22. Inherently, the article comprises medium storing instructions is comprised for the processor to automatically perform the procedures of the method.

Regarding claim 29, Feinleib teaches a system comprising:

a processor based device (e.g. 92, 104, 106 – figure 6); and

a storage (94, 96 – figure 6) coupled to the processor based device storing instructions that enable the processor based device to identify a real time event in the course of an enhanced television which event indicates the end of the enhanced television program by changing the way that the program is displayed (timely launch the email at a specific point near the end of the program– col. 6, lines 10-22. As a result, the program is displayed with email or email is displayed without the program.

Regarding claim 30, the limitations as claimed correspond to the limitations of claim 26, and are analyzed as discussed with respect to the rejection of claim 26.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 9, 11-12, 16, 23-24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib (US 6,637,032) and in view of Alexander (US 6,177,931).

Regarding claim 2, Feinleib teaches a method as discussed in the rejection of claim 1.

Feinleib further discloses displaying enhancing content is timely displayed a certain juncture of the primary content. The enhancing content can be overlaid atop the primary content (col. 5, lines 45-67). However, Feinleib does not specifically disclose full screen display of television.

Alexander teaches displaying television in full screen (col. 4, lines 15-27, col. 6, lines 65-67, col. 7, lines 34-45, col. 10, lines 5-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to modify Feinleib to use the teaching as taught by Alexander to allow viewer to watch the television program easily.

Regarding claim 3, Alexander display screen of a receiver to displaying at least two frames (col. 14, line 47-col. 15, line 31, figure 1), only one of the frames being a television display and selectively causing the screen to transition to a full screen

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television display in response to the real time event (e.g. automatically tune to a scheduled channel, or return to full screen – col. 4, lines 15-27, col. 10, lines 1-12, col. 14, line 47-col. 15, line 31).

Regarding claim 9, Feinleib teaches a method as discussed in the rejection of claim 1. However, Feinleib does not specifically enabling the user to elect to retain enhancement after receiving the real time event.

Alexander teaches enabling the user to elect to retain enhancement after receiving the real time event (e.g. user indicates the user does not want to watch the program, the screen continues to display the data being displayed before receiving on screen notification – col. 14, line 48-col. 15, line 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to use the teaching as taught by Alexander in order to prevent interrupting data being watched on the display.

Regarding claims 11-12 and 16, the limitations of the article correspond to the limitations of the method as discussed in the rejection of claims 2-3, 9, and are analyzed as discussed with respect to the rejection of claims 2-3 and 9.

Regarding claims 23-24, the limitations as claimed correspond to the limitations as claimed in claims 2-3, and are analyzed as discussed with respect to the rejection of claims 2-3.

Regarding claim 28, the limitations of the article as claimed correspond to the limitations of the method as claimed in claim 23, and are analyzed as discussed with respect to the rejection of claim 23.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomoyuki et al. (US 5,991,747) teaches electronic purse loan system.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
February 7, 2005

A handwritten signature in black ink, appearing to read 'HAITRAN', is written over two horizontal lines.

**HAITRAN
PRIMARY EXAMINER**